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SUBJECT: WORST FORMS OF CHILD LABOR UPDATE: MADAGASCAR AND
COMOROS

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11. Post provides below updated information on the Worst Forms of Child Labor in Madagascar and the Union of the Comoros, keyed to questions in reftel, as available and appropriate.

12. Madagascar

The Government of Madagascar continues to be a regional leader in combating child labor and trafficking in persons, including policies to target the worst forms of child labor like gemstone mining and sex tourism.

-- Questions A: There were laws to protect children from exploitation in the workplace and prohibit forced or compulsory labor. The minimum age for employment was 15 years of age, consistent with educational requirements. The law allows children to work a maximum of eight hours per day and 40 hours per week with no overtime. The law prohibits persons under the age of 18 from working at night and at sites where there is an imminent danger to health, safety, or morals. Employers must observe a mandatory 12-hour period between shifts. Occupational health and safety restrictions include parental authorization and a medical visit before hiring.

-- Questions A: While already having laws to implement Convention 182, the government adopted a decree July 3 regulating the working conditions of children, defining the worst forms of child labor, identifying penalties for employers, and establishing the institutional framework for its implementation.

-- Questions A: In August, the government adopted a new law prohibiting all forms of violence against children, including sexual exploitation and punishment of adult exploiters of child prostitutes. In December, the government is prepared to send a draft law to the Parliament for approval that defines child sexual exploitation, child sex tourism, child pornography and trafficking in persons and stipulates sanctions for the authors of such crimes, particularly when committed against children.

-- Questions B: The Ministry of Labor's National Committee for the Fight Against Child Labor (CNLTE), composed of high-level government, donor, civil society, and religious group representatives, is the government's designated authority to implement child labor laws and policy. The CNLTE is supported by counterpart agencies at the regional level. To address child labor violations, government agencies can resort to legal remedies including criminal penalties and civil fines. The Ministry of Civil Services and Labor is responsible for enforcing child labor laws and policies in the formal sector and conducted general workplace inspections during the year in response to a range of complaints, not all related to child labor. The Ministry had only 77 inspectors to carry out its responsibilities, making it difficult to monitor

and enforce child labor provisions effectively. Enforcement in the much larger informal sector remained a serious problem. The Ministry of Civil Services and Labor was unable to provide statistics on the number of child-related investigations conducted, as there is no central database to collect such information.

-- Questions B: In July in collaboration with UNICEF, the government completed a one-year program to train and assist security forces in the protection of children. The government's establishment of Regional Committees to Combat Child Labor (CRLTE) (see answers to Question C) throughout the country include training for responsible local authorities.

-- Questions C: During the year the government continued its efforts to combat forced child labor and trafficking. The Ministry of Civil Services and Labor continued to implement its 15-year national plan to combat the worst forms of child labor, including prostitution. CNLTE's major activities revolved around mass awareness raising campaigns regarding the worst forms of child labor, the importance of education, and raising awareness among all stakeholders. The celebration of the World Day against Child Labor in seven regions around the island was the focal point for these activities. In addition to the existing CRLTE in the north, the government established two additional CRLTES in the southwest and east. In May, the Ministries of Civil Services and Labor and Finance, supported by the International Labor Organization's Statistical Information and Monitoring Program on Child Labor (SIMPOC) and UNICEF, launched a national survey on child labor and trafficking to better address child exploitation issues. As part of the ongoing "red card campaign" to raise awareness about the fight against child labor, the government worked with the Malagasy Soccer Federation to conduct awareness campaigns in Majunga in February and in Sambava in May.

-- Questions C: The government's Welcome Centers in Antananarivo, Tamatave, and Tulear continued to rescue victims of worst forms of child labor and trafficking. Victims receive remedial education to assist their reinsertion into schools or vocational training, as well as counseling on how to avoid becoming a victim again. After children are returned to their families, the centers continue to monitor their family and community environment. Since the first center started operating in 2001, approximately 200 child workers have benefited from education and training at the centers.

-- Questions C: The government worked closely in collaboration with the International Program for the Elimination of Child Labor (IPEC), largely funded by the U.S. Department of Labor, to validate its action plans and ensure they align with Madagascar's national action plan. Under this partnership, 16 NGO-implemented programs are underway to rescue and rehabilitate child workers by inserting children in to the formal education system and providing vocational training. Local officials also participated in IPEC-organized stakeholders' workshops around the country to combat child labor by identifying intervention strategies and partners.

-- Questions C: The Ministry of Health, in collaboration with the UN Children's Fund (UNICEF), operated over 14 multi-sector networks throughout the country to handle individual cases of child exploitation, including child labor and trafficking.

-- Questions D: The Ministry of Civil Services and Labor is several years into its 15-year national plan to combat the worst forms of child labor, and the CNLTE is the GOM's designated authority to implement child labor laws and policy. In October, the government launched a consultative process along with a number of implementing partners to draft a national action plan against all kinds of violence against children, include child labor, sexual exploitation, and trafficking, to cover the period from 2008 to 2012. This plan is expected to be finalized in mid-December. Also, reduction of child labor is mentioned as one of the government's main goals in the comprehensive five-year Madagascar Action Plan (MAP) guiding the country's development.

-- Questions D: The constitution provides for tuition-free public education for all citizen children and makes primary education until age 14 compulsory. According to a 2004 World Bank study, 68 percent of primary school-age children were enrolled. Children in rural

areas generally studied through middle school, whereas children in urban areas more often continued through the baccalaureate examination process for entrance into university. Girls and boys had the same access to education.

-- Questions E: Reliable statistics on the extent and nature of child labor and trafficking will not be available until the completion of the SIMPOC/UNICEF-funded national survey on child labor and trafficking issues in 2008. However, the Household Survey of 2000 indicated that approximately 33 percent of the child population between the ages of seven and 17 were child laborers on a full or part-time basis. Children in rural areas worked mostly on subsistence family farms and as cattle herders, while those in urban areas worked in occupations such as domestic laborers, transport of goods by rickshaw, petty trading, prostitution, stone quarrying, working in bars, and begging. Children were engaged in salt production, fishing, deep sea diving, and in the shrimp industry. The Ministry of Civil Services and Labor estimated that more than 19,000 children were working in mines, mostly in Ilakaka in the south. Children were trafficked internally for the purposes of forced labor and sexual exploitation.

-- Questions E: There were reports that persons were trafficked within the country. The vast majority of cases involved children and young women, mostly from rural areas, trafficked for domestic servitude, prostitution, forced mining, and forced labor for traveling vendors. A sex tourism problem existed in coastal cities, as well as the capital city of Antananarivo, with a significant number of children being exploited as prostitutes. International trafficking was rare, with unconfirmed anecdotal reports of a limited number of women and girls trafficked for prostitution to the neighboring islands of Mauritius and Reunion.

13. Union of the Comoros

-- Questions A: Child prostitution and child pornography are illegal. The law considers unmarried children under the age of 18 as minors, and they are protected legally from sexual exploitation, prostitution, and pornography. There were no statistics regarding these matters, but they were not considered serious problems. The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country. The law defines 15 as the minimum age for employment, but the government did not always enforce this law.

-- Questions B: Because of a lack of inspectors, the government does not enforce legal provisions that address the rights and welfare of children. The government did not actively enforce child labor laws, nor was it active in seeking to prevent illegal child labor.

-- Questions C: Since his election in May 2006, President Ahmed Abdallah Sambi has made education and children's welfare top policy priorities. However the government's persistent lack of resources and capacity means little tangible progress has been made in these areas. The government mostly allows international agencies to conduct this work.

-- Questions D: Education is free and compulsory for children below the age of 16, but the government rarely provided public school education for children past the age of 14. According to UNICEF, 31 percent of children attended elementary school between 1996 and 2004. Boys generally had greater access to schools than did girls.

-- Questions E: Children usually worked in subsistence farming and fishing. Some families placed their children in the homes of wealthier families where they worked in exchange for food, shelter, or educational opportunities.

-- For more details on child labor in the Comoros, Post suggests referring to the Department of Labor-funded comprehensive study on child labor in the Comoros conducted by Riziki Djabir in mid-2007, which should be available from the Department of Labor.